

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

|  |   |
|--|---|
| <p>STEPHEN STRAND, an individual,<br/><br/>Plaintiff,</p> <p>vs.</p> <p>AMERICA’S SERVICING COMPANY, a<br/>division of Wells Fargo Bank, N.A.,<br/><br/>Defendant.</p> | <p>MEMORANDUM DECISION AND<br/>ORDER DENYING DEFENDANT’S<br/>MOTION TO STRIKE<br/>“PRELIMINARY STATEMENT” IN<br/>AMENDED COMPLAINT</p> <p>Case No. 2:11-CV-2 TS</p> |
|--|---|

This matter is before the Court on Defendant’s Motion to Strike “Preliminary Statement” in Amended Complaint.<sup>1</sup> Defendant moves the Court to strike the three paragraphs following the heading Preliminary Statement at pages one and two of the Amended Complaint.<sup>2</sup> Defendant relies on Fed.R.Civ.P. 8(a), 8(d)(1), and 12(f). Plaintiff has not responded to the Motion.

---

<sup>1</sup>Docket No. 16.

<sup>2</sup>Docket No. 11.

Fed.R.Civ.P. 8(a) requires that a pleading provide: (1) a “statement of the ground for the court’s jurisdiction” unless already established, (2) a statement showing entitlement to relief, and (3) a demand for relief. Subsection (d) requires that each allegation be “simple, concise, and direct.” “No technical form is required.”<sup>3</sup>

Fed.R.Civ.P. 12(f) permits courts to strike “redundant, immaterial, impertinent, or scandalous matter” from a pleading.

The Court finds that the Rules cited by Defendant do not forbid, in a complaint, a brief preliminary statement consisting of unnumbered paragraphs. Defendant has not cited any case law interpreting Rule 8 to have such a requirement. Additionally, Plaintiff is not prejudiced by the inclusion of a brief introduction, consisting of unnumbered paragraphs, in Plaintiff’s Amended Complaint.<sup>4</sup> Thus, it is hereby

ORDERED that Defendant’s Motion to Strike “Preliminary Statement” in Amended Complaint (Docket No. 16) is DENIED.

DATED April 26, 2011.

BY THE COURT:

  
\_\_\_\_\_  
TED STEWART  
United States District Judge

---

<sup>3</sup>Fed.R.Civ.P. 8(d).

<sup>4</sup>*Brantley v. West Valley City Housing Authority*, 2009 U.S. Dist. Lexis 10824, at \*6-7 (D. Utah Feb. 4, 2009) (denying a motion to strike an “introduction” section to a complaint under Rule 10 of the Utah Rules of Civil Procedure because “there is no prejudice in the inclusion of an introduction as part of Plaintiff’s Verified Complaint”).